REMARKS / ARGUMENTS

Claims 26, 44, and 58, and claims which depend from them, stand rejected under section 112. In each place where it appeared, the applicant has amended the "operable to" language to positively recite an action.

The Examiner has requested material information that may have been revealed in the course of litigation. The Applicant has been sued by the owners of US patent 6,675,151 for infringement of that patent. This patent, which was applied for after the priority date of the present application, is a continuation in part of the Thompson patent, 6,334,133, which has been applied as a reference in this case. The litigation is proceeding slowly because the defendant filed a motion for change of venue. Consequently, discovery has not yet begun. To date, no information that might be material to the present case and has not already been cited in the present case has been revealed through the litigation.

The claims have been rejected under section 103 with reliance on Bukow. In response, the Applicant has filed declarations and exhibits swearing behind Bukow to remove Bukow as a reference. The Examiner has requested that the Applicant point out the sections of each exhibit and/or declaration that shows each limitation in the claims.

Claim 17, reproduced above, has the limitations organized into four sub-paragraphs. The first sub-paragraph specifies a database having information about qualifications of employees. Such a database having information about qualifications of employees is specified in paragraphs 11 and 12 of the declaration of Sue Lunsford, in the right column, eighth paragraph of Exhibit E, in the second paragraph of Exhibit B (italicized) and in the upper right box in Exhibit G (bold).

The second sub-paragraph specifies determining an open position requiring at least one qualification. This is specified in paragraph 14 of the Lunsford declaration, in the third paragraph of Exhibit F and in the first paragraph column 2 Exhibit D.

The third sub-paragraph specifies sorting the employees in the database into those having the qualifications and those not having the qualifications. This is specified

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in paragraph 14 of the Lunsford declaration, part one of Exhibit G, the right side paragraph 8 of Exhibit E and the second paragraph column 2 Exhibit D.

The fourth sub-paragraph specifies simultaneously notifying employees in the database having the qualification by posting information about the open position to a web page that is accessible with pass codes for employees having the qualification. This is specified in paragraph 15 of the Lunsford declaration, the first paragraph of Exhibit F, Exhibit G, the right side paragraph 8 of Exhibit E, paragraph 1 columns 1 and 2 Exhibit D. .

Claims 18 – 25 depend from claim 17.

Claim 26 has three sub-paragraphs. The first sub-paragraph specifies the databases of employees, the database having information about qualifications of each of the employees. This is the same as the first sub-paragraph of claim 17, discussed above.

The second sub-paragraph specifies a filtering system that identifies an open position having required qualifications and identifies employees in the database having qualifications that match the required qualifications of the open position. This is specified in paragraph 17 of the Lunsford declaration as well as in Exhibit B, Exhibit C paragraph 3, Exhibit E right side paragraph 8 and the second paragraph column 2

computers via web browser programs accessible when a proper log on code associated with the employee is entered at the client computer. This is specified by paragraph 19 of the Lunsford declaration as well as Exhibit H, Exhibit E right side paragraph 9, Exhibit B paragraph 2, and Exhibit D bottom column 1.

The second sub-paragraph specifies determining an open position and a preferred employee from the database. This is specified in paragraphs 18 and 19 of the Lunsford declaration as well as Exhibit G, Exhibit B second paragraph, Exhibit C second paragraph, Exhibit D column 2 paragraph 2 and Exhibit F second paragraph.

The third sub-paragraph specifies notifying the preferred employee by sending a computer-generated message identifying the open position to the web page associated with the preferred employee. This is specified in paragraph 20 of the Lunsford declaration as well as Exhibit G, Exhibit D column 2 paragraph 2, Exhibit B paragraph 2 and the first paragraph Exhibit F.

Claims 38 – 43 depend from claim 37.

Claim 44 has three sub-paragraphs. The first sub-paragraph specifies a database of employees, the database having associated web pages, a web page being associated with each of the employees, each web page being made available to client computers via web browser programs accessible when a proper log on code associated with the employees is entered at the client computer. This is specified in paragraphs 11 and 12 of the Lunsford declaration as well as Exhibit H, Exhibit D at bottom of column 1, Exhibit F paragraph 2 and Exhibit B second paragraph.

The second sub-paragraph specifies a filtering component that determines an open position and a preferred employee from the database. This is specified in paragraph 14 of the Lunsford declaration, Exhibit D column 2 paragraph 2, Exhibit F paragraph 4, and Exhibit G left side first box "Req".

The third sub-paragraph specifies a notification component that notifies the preferred employee by sending a computer-generated message identifying the open position to the web page associated with the preferred employee. This is specified in paragraph 20 of the Lunsford declaration, the first paragraph of Exhibit F, Exhibit B second paragraph, Exhibit D column 2 and Exhibit E right side paragraph 8.

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Claims 45 – 47 and 49 – 50 depend from claim 44.

Claim 51 has five sub-paragraphs. The first sub-paragraph specifies "having an employee database with records of employees containing qualifications of the employees." This limitation has been extensively discussed above.

The second sub-paragraph specifies having a position database with information about a plurality of positions and qualifications for the positions. This is specified in paragraph 21 of the Lunsford declaration and in Exhibit G, Exhibit D top of column 2, Exhibit B paragraph 2 and Exhibit E paragraphs 8 and 9.

The third sub-paragraph specifies providing a computer network interface to the position database that allows a vacant position to be posted in real time, without substantial delay, using a computer with a connection to the network. This is specified in paragraph 21 of the Lunsford declaration as well as Exhibit G, Exhibit D column 2 and the second paragraph Exhibit B.

The fourth sub-paragraph specifies "in response to receiving a vacant position posted at the interface, without substantial delay, finding a record of at least one employee in the database having qualifications that meet the qualifications of the vacant position and directing a notification to a web page specified in the record of the at least one employee." This is specified in paragraphs 23 and 24 of the Lunsford declaration, Exhibit D column 2 and Exhibit F fourth paragraph.

The fifth sub-paragraph specifies "making the web page available to client computers via web browser programs accessible when a proper logon code associated with the employee is entered at the client computer." This is specified in paragraph 15 of the Lunsford declaration as well as Exhibit G, Exhibit D column 1, Exhibit H and Exhibit B second paragraph.

Claim 53 depends from claim 51.

Claim 58 has four sub-paragraphs. The first sub-paragraph specifies an employee database having information about qualifications of a plurality of employees. This sub-paragraph is discussed extensively above.

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The second sub-paragraph specifies a position database having information about a plurality of positions and qualifications for positions. This sub-paragraph is discussed above.

The third sub-paragraph specifies an update system that updates the information about the positions in real time in response to a change message received from a computer on the network. This is specified by paragraph 24 of the Lunsford declaration as well as Exhibit G, Exhibit D column 2, Exhibit B, Exhibit E fourth paragraph and Exhibit H.

The fourth sub-paragraph specifies a web page notification system that notifies, in real time, at least one employee having a record in the database with qualifications that meet the qualifications of an updated position in response to receiving a change message by posting information about the position to a web page accessible with a pass code associated with the employee. This is specified by paragraph 24 of the Lunsford declaration as well as Exhibit G, Exhibit D and Exhibit F first paragraph.

Claims 59 – 71 depend from independent claims discussed above.

The examiner points out that the declaration of Charles Bernasconi does not specify whether the claimed invention was merely conceived prior to June 1, 1999 or whether it was also reduced to practice prior to that date. This declaration has been revised (with all revisions shown in underline and strike-through) to specify that the invention was reduced to practice prior to June 1, 1999.

In the event an additional fee is due for this Response, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

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